

EXHIBIT 81

1
2 IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

3 -----x
MARVEL CHARACTERS, INC.,

4
5 Plaintiff and
6 Counterclaim Defendant,
vs.

7 LAWRENCE D. LIEBER,

Case Nos.
1:21-cv-7955-LAK
1:21-cv-7957-LAK
1:21-cv-7959-LAK

8 Defendant and
9 Counter-claimant.

-----x
MARVEL CHARACTERS, INC.,

10
11 Plaintiff and
12 Counterclaim Defendant,
vs.

13 KEITH A. DETTWILER, in his
14 capacity as Executor of the
Estate of Donald L. Heck,

15 Defendant and
Counter-claimant.

-----x
16 MARVEL CHARACTERS, INC.,
17 Plaintiff and
18 Counterclaim Defendant,

vs.

19 PATRICK S. DITKO, in his
20 capacity as Administrator of the
Estate of Stephen J. Ditko,

21 Defendant and
22 Counter-claimant.

-----x

23 VIDEOTAPED DEPOSITION OF PATRICK S. DITKO
New York, New York
24 Tuesday, February 14, 2023
9:52 a.m.

25 JOB NO. 5697050

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

February 14, 2023

9:52 a.m.

Videotaped Deposition of
PATRICK S. DITKO, held at the offices
of O'Melveny & Myers LLP, Seven Times
Square, New York, New York, pursuant to
notice, before Jennifer Ocampo-Guzman,
a Certified Realtime Shorthand Reporter
and Notary Public of the State of New
York.

1

2

A. No.

3

Q. Did you ever discuss Dr. Strange

4

with your brother Steve?

5

A. No.

6

Q. Prior to this lawsuit, were you

7

aware that your brother Steve illustrated

8

Spider-Man comics?

9

MR. TOBEROFF: Objection as to

10

form.

11

A. Was I -- yes, I was aware.

12

Q. And prior to this lawsuit were you

13

aware that your brother Steve illustrated

14

Dr. Strange comics?

15

MR. TOBEROFF: Objection as to

16

form.

17

A. Yes.

18

Q. And prior to this lawsuit, what did

19

you know about your brother's work on

20

Spider-Man?

21

MR. TOBEROFF: Objection as to

22

form.

23

A. I -- not very much.

24

Q. Do you recall anything that you

25

were aware of prior to this lawsuit with

1

2

like Dr. Strange to me.

3

Q. Did Steve tell you that the letter

4

sketch that you received in 1946 was Dr.

5

Strange?

6

A. No.

7

Q. So the idea that what he sent you

8

in 1946 relates to Dr. Strange, that's

9

something that you came to on your own?

10

A. Well, yeah, I assumed it. He sent

11

me all kind of drawings from everything.

12

That was among them.

13

Q. Fair to say that your brother Steve

14

was always drawing?

15

MR. TOBEROFF: Objection as to

16

form. Lacks foundation.

17

THE WITNESS: Too quick.

18

MR. TOBEROFF: That's okay.

19

A. Absolutely. The fact is, when he

20

came home, all the kids wanted him to draw

21

them pictures, and he did.

22

Q. Did you ever see your brother Steve

23

draw a character --

24

MS. LENS: Strike that.

25

Q. Did you ever -- did you ever see

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF NEW YORK)

: ss.


COUNTY OF NEW YORK)

I, Jennifer Ocampo-Guzman, a
Certified Realtime Shorthand Reporter and
Notary Public within and for the State of New
York, do hereby certify:

That PATRICK S. DITKO, the
witness whose deposition is hereinbefore set
forth, was duly sworn, and that such
deposition is a true record of the testimony
given by the witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no
way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 1st day of
March, 2023.

A handwritten signature in black ink, appearing to read "Jennifer Ocampo-Guzman", is written over a line of text that includes a percentage symbol and the number 51.37.

JENNIFER OCAMPO-GUZMAN, CRR, CLR

----- I N D E X -----

WITNESS	EXAMINATION BY	PAGE
---------	----------------	------

PATRICK S. DITKO	MS. LENS	6
------------------	----------	---

	MR. TOBEROFF	201
--	--------------	-----

----- EXHIBITS -----

EXHIBITS	FOR I.D.
----------	----------

Exhibit 122, Complaint for	94
----------------------------	----

Declaratory Relief	
--------------------	--

Exhibit 123, Defendant Ditko's	112
--------------------------------	-----

Supplemental Responses and	
Objections to Plaintiff's Third Set	
of Interrogatories to Patrick S	
Ditko	

Exhibit 124, Article	137
----------------------	-----

entitled, "Ditko family working to	
share Johnstown comics legend's	
story, promote his legacy."	

Exhibit 125, Affidavit, Bates Nos.	150
------------------------------------	-----

2021MARVEL-0070642 through	
2021MARVEL-0070643	

Exhibit 126, Photocopies of	197
-----------------------------	-----

handwritten letters	
---------------------	--

MARKED FOR RULING

PAGE	LINE
------	------

26	19
----	----